

RECEIVED

FEB 26 1996

FCC MAIL ROOM

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In the matter of

Closed Captioning and Video Description )  
of Video Programming ) MM Docket No. 95-176

DOCKET FILE COPY ORIGINAL

NOTICE OF INQUIRY

COMMENTS OF WILLIS J. MANN, DIRECTOR OF THE TELECOM-  
MUNICATIONS ACCESS OF MARYLAND PROGRAM, IN THE NOTICE OF  
INQUIRY REGARDING CLOSED CAPTIONING AND VIDEO DESCRIPTION

To the Commission:

My name is Willis J. Mann and I am director of the Telecommunications Access of Maryland program within the Maryland Department of General Services. We oversee provision of Telecommunications Relay Services to the State of Maryland which are mandated under Title IV of the Americans With Disabilities Act. I am writing as a private citizen in this instance, however, because of my long-standing involvement in captioning issues for both television and motion picture mediums. This testimony is being submitted in response to your request for comments in the "Notice of Inquiry", FCC 95-484, in the above-captioned proceeding, released December 4, 1995.

The Commission seeks to assess the current availability, cost, and uses of closed captioning and video description, and to assess what further Commission actions may be appropriate to promote these services. It also seeks comment on the appropriate means of promoting the service's wider use in programming delivered by television broadcasters, cable operators, and other video programming providers.

Each of the following paragraphs contained in the NOI will be addressed:

Paragraphs 11 and 12: Closed captions are used by persons who are deaf, those who have lost the ability to hear from trauma or advancing age, learners of English as a second language, children learning to read, and persons with perceptual and cognitive disabilities. Captions and descriptions are eagerly sought by persons who are deaf or blind.

No. of Copies rec'd  
List ABCDE

24

Currently, an estimated 24 million Americans have hearing losses of one kind or another. Millions of recent immigrants to this country continue to barely survive by using their native language in a largely English speaking environment. There are millions of children with poor language skills who spend a great portion of their day with a television set as their "babysitter." All of these people are in need of captions both as a means of understanding the program, and as a means of supplementing the acquisition and utilization of the dominant language of this country.

Television is a medium with universal appeal and interest, but without closed captioning and/or video description services, television becomes nothing more than "radio with moving pictures" which are essentially meaningless to those with moderate to severe hearing disabilities, and equally meaningless to those with sight disabilities. Television also has the unique ability to inform, educate, and entertain which has been demonstrated time and again over the last 50-some years but it is not living up to its potential to reach all segments of the population even though the technology exists to do so, and is rapidly becoming more cost effective.

The benefits of captioning video and all multimedia will enable deaf (and other) students to compete on a more equal footing in a highly competitive school environment and job market. As the situation now stands, persons with hearing impairments are at a great disadvantage in viewing uncaptioned media materials, even if they have the benefit of an interpreter. In order to understand anything, they must of necessity watch the interpreter and thus miss all the action that is happening on the screen. Captions will allow them to focus on both the action and the dialogue simultaneously, and level the playing field for all viewers.

Paragraph 12: Our language is in a continual state of change and one of the primary ways deaf and hard of hearing people become aware of these changes is through captioned television. The evolution of various forms of idiomatic expression, especially among young people and African-Americans, has occurred, and captions allow deaf and hard of hearing persons to keep abreast of these changes. Through captioning, we have also learned that spoken English sometimes varies from written English. For example, many of us were unaware that the acronym NAACP could be sounded out as N, Double A, C,P. It was always thought each individual letter had to be individually voiced as N,A,A,C,P. Captions have also made us aware that the way we pronounce certain words sometimes differs from the way the hearing majority pronounces them because real time captions are generated by stenographic machines which often print words phonetically. Thus, deaf or hard of hearing persons with speech ability are able to monitor and correct speech habits that may have been of many years duration but which no one informed them were incorrect pronunciations.

Captioned television appears to significantly contribute to the English proficiency of

hearing children of deaf parents through early exposure to both written and aural forms of expression. These children will often display exceptional skill in school work requiring written and spoken English and this better than average skill in those areas is reflected in increased readiness for college level course work. This illustrates that the simultaneous presentation of verbal and visual information through captions significantly enhances language acquisition and competence since young people's minds are essentially a sponge and absorb both forms without conscious effort. This has especial ramifications for children's remedial reading and language skills programs which remains largely unrealized due to lack of captioning, and also for learners of English as a second language.

Paragraphs 14-16: The amount of captioning available on commercial television has increased tremendously in recent years, but still leaves too many gaps in its daily menu. Many talk shows are not captioned, and some sporting events or public affairs types of programs are not universally captioned. At times there seems to be no rhyme or reason to what is captioned versus what is not. For example, reruns via cable of the "I Love Lucy" series from the 1950's are shown with captions by the Howard County, Maryland Comcast. Very recent reruns of other kinds of programs from the 1970's and 1980's are seldom captioned, even though they originally were broadcast with captions. It appears the broadcasters who re-broadcast these programs are either using an uncaptioned master or are deliberately suppressing the captions that originally accompanied the program, perhaps through compression of the program. Other cable television offerings received through this station, with the exception of PBS programming, are almost totally devoid of captions. Arts and Entertainment, the Discovery Channel, The Learning Channel, the History Channel, TNN, and others all have programs which are of great interest to many viewers, but no benefit can be derived from the great majority of them due to lack of captions.

Local news programs in large metropolitan areas like Washington, D.C. , New York, and Los Angeles are frequently captioned. The Washington, D.C. metropolitan area has access to captioned local news programs from both Washington and Baltimore. The entire state of Maryland receives broadcasts from both cities, (some areas via cable only) and in addition, extreme western Maryland receives broadcasts from Pittsburgh, Wheeling, West Virginia, and Steubenville, Ohio. Some of these news programs are captioned. Maryland's Eastern Shore receives broadcasts from Philadelphia and Wilmington as well as Baltimore and Washington. However, some of these broadcasters practice a blatant form of censorship by using passive captions which are pre-recorded rather than real-time captioning which is live. As a result, portions of their news broadcasts, such as breaking news, weather, sports, and advertising are not captioned. Deaf persons often resent this piecemeal presentation of information and may refuse to watch those channels however attractive some of their other news stories might be. These stations, by withholding information such as weather bulletins in their news programs, give short shrift to the needs and concerns of deaf or hard of hearing people. No distinction should be allowed in access to what's presented on television, whether the viewers are handicapped or not.

To the extent that the Telecommunications Act of 1995 does not mandate universal captioning, the FCC should consider adopting regulations in the public interest that would require all remaining programming, except music recitals, broadcast through the air, or via cable, satellite, telephone lines, or by any other means, be closed captioned. All of these programs already contain a sound track produced at the time they are broadcast or produced, and captioning is simply a visual form of that sound track. Broadcasting without captions should be labeled a form of discriminatory censorship. The cost of captioning can easily be written into any budget since captions cost much, much less than the often elaborate sound tracks and special effects produced for some programs. It also needs to be understood that as the amount of captioning goes up, competition among caption providers will drive the cost down still further, increasing the attractiveness of captioning. Networks and independent broadcasters should be able to generate revenue to pay for increased captioning by emphasizing to potential advertisers that information about the advertiser's products and/or services will reach more than 24 million additional consumers with the addition of captions to both programming content and commercials.

The rationale for the FCC taking such action rests on the simple premise that the industry itself is not likely to undertake universal captioning voluntarily. The deaf community knows from experience that their pleas and entreaties to industry representatives have often fallen on ears that are "deaf" than their own, and they would actively support and encourage the FCC to take this significant step.

Paragraphs 28 - 31: The Closed Captioning Decoder Circuitry Act of 1990 which requires all television sets larger than 13 inches be equipped with a decoder chip means that almost every household in America will have captioning capability by the year 2000. This proliferation of decoders will likely create a whole new industry as more and more companies and organizations engage in providing captioning services. This will simultaneously provide television programming producers and networks the opportunity to shop around for the best and most cost effective services available if they do not wish to generate captions in-house. Therefore, as noted in the response to Paragraphs 14 - 16, the only category of programming that should then be exempt from captioning requirements are those which consist entirely of music *alone*. There is no way music can be conveyed meaningfully to audiences which are deaf or severely hard of hearing.

In terms of requiring the captioning of all other types of programs, it comes down to not just a question of whether this is the right thing to do, but also a question of moral responsibility for affording universal access to this medium for millions of people who otherwise would not have that access. It also becomes a question of fairness since people with normal hearing take it for granted that when they turn on their television sets, they will see and hear someone using a language they understand without any additional effort on their part. Deaf and hard of hearing people should not be forced to struggle to understand even the most basic information being conveyed, or worse yet, having to resort

**FCC; page 5**

**to inventing a dialogue to accompany the action on the screen. The technology to provide universal access is available and the time is past when such a large percentage of our population is denied that access. I sincerely hope the Commission will see the inequity of the present situation and take bold and decisive action to correct it.**

**Respectfully submitted,**

A handwritten signature in black ink, appearing to read "Willis J. Mann", written in a cursive style.

**Willis J. Mann  
9113 Bryant Avenue  
Laurel MD 20723-1707**